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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/597,196	06/20/2000	John Zimmerman	US000127	6011

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EXAMINER

SHINGLES, KRISTIE D

ART UNIT	PAPER NUMBER
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2141

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 09/597,196	Applicant(s) ZIMMERMAN, JOHN	
	Examiner Kristie Shingles	Art Unit 2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5,7,9,10 and 12-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5,7,9,10 and 12-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. <u>11/2006</u> |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Claims 1-4, 6, 8 and 11 are cancelled.

Claims 5, 7, 9, 10 and 12-25 are pending.

Response to Arguments

In view of the After-Final filed on 10/5/2006, PROSECUTION IS HEREBY REOPENED.

Applicant's arguments with respect to claims 5, 9 and 14 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

In the telephone interview with Atty. Yan Glickberg on 11/8/2006, the allowability of claims 7, 9, 10 and 12-25 was proposed. However, upon further search and consideration, the anticipated allowability of claims 7, 9, 10 and 12-25 is hereby withdrawn in view of the newly discovered references to: *Anabuki* (US 6,091,518), *Nakano et al* (US 2002/0055847) and *Schnase et al* (US 6,078,928). Rejections based on the newly cited references follow.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 5, 7, 9, 10, 12, 14-21, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Anabuki* (US 6,091,518) in view of *Nakano et al* (US 2002/0055847).

a. Per claim 14, *Anabuki* teaches the method of controlling an appliance, comprising:

- transmitting a first request to the relay server (col.7 line 65-col.8 line13, col.11 line 54-col.12 line 2, col.14 lines 1-25—client transmits a first request to the WWW server),
- receiving an address of a profile server from the relay server, based on the first request (col.12 lines 24-26 and 39-67, col.9 lines 13-24, col.14 lines 43-47, col.14 line 57-col.14 line 3—client browser receives address of a profile server from the WWW server),
- transmitting a second request to the profile server (col.9 lines 25-28; client browser transmits a request from the profile server),
- receiving a profile from the profile server, based on the second request (col.9 lines 13-16 and 25-33, col.10 lines 16-23—client browser receives profile from profile server); and
- controlling the appliance in dependence upon profile (col.10 lines 38-58, col.12 line 39-col.13 line 14, col.15 line 13-40—controlling the display based on the profile information).

Yet *Anabuki* fails to explicitly teach receiving an address of a relay server from a remote device. However, *Nakano et al* disclose the use of smart cards, wherein a smart card contains a URL address for a database server and for a specific merchant (pages 1-2 paragraph 0013, page 3 paragraphs 0032-0034). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Anabuki* with *Nakano et al* for the purpose of embedding a server address onto a portable data-bearing card, such as smart card, in order for the card to access and communicate with a specific server upon activation—this

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allows for validation and authentication of the smart card and the user, wherein the smart card is capable of containing information related to the user and to the issuer of the smart card. Encoding server addresses and URLs onto smart cards is a well-known technique in the art used by vendors, hospitals, banks, etc.

b. **Claim 5** contains limitations that are substantially similar to claim 14 and is therefore rejected under the same basis.

c. **Regarding claim 15**, *Anabuki* with *Nakano et al* teach the method of claim 14, *Nakano et al* further teach the method wherein the remote device is a radio-frequency device that transmits the address associated with the relay server (pages 1-2 paragraph 0013, page 3 paragraphs 0029-0034).

d. **Regarding claim 16**, *Anabuki* with *Nakano et al* teach the method of claim 14, further including receiving an address associated with an other relay server from another remote device, transmitting a third request to the other relay server, based on the address associated with the other relay server, receiving an address of another profile server from the other relay server, transmitting a fourth request to the other profile server based on the address of the other profile server, receiving another profile from the other profile server based on the fourth request, and controlling the appliance in dependence upon the other profile (*Nakano et al*: page 3-4 paragraphs 0037-0039—*Nakano et al* provision the set-top box receiving a additional smart card encoded with another vendor address/URL; *Anabuki*: col.10 lines 16-23, col.12 lines 45-65—*Anabuki* provision the access of other profile servers, wherein the WWW server can return multiple profile URLs back to the client browser providing access to the associated profiles, until all of the data from the profile URLs has been received).

e. **Claim 9** contains limitations that are substantially similar to claim 16 and is therefore rejected under the same basis.

f. **Regarding claim 17**, *Anabuki* with *Nakano et al* teach the method of claim 14, *Nakano et al* further teach the method wherein the device identifier includes a Uniform Resource Locator (URL) associated with the relay server (pages 1-2 paragraph 0013 and 0025, page 3 paragraphs 0032-0034).

g. **Regarding claim 18**, *Anabuki* with *Nakano et al* teach the appliance of claim 5, *Nakano et al* further teach the appliance wherein the communications device is a wireless device that is remote from the appliance (pages 1-2 paragraph 0013 and 0025, page 3 paragraphs 0029-0034).

h. **Claim 19** is substantially similar to claim 17 and is therefore rejected under the same basis.

i. **Regarding claim 20**, *Anabuki* with *Nakano et al* teach the appliance of claim 5 as applied above, *Nakano et al* further teach the appliance wherein the controller is configured to determine an address of the relay server based on the device identifier (pages 1-2 paragraph 0013 and 0025, page 3 paragraphs 0032-0034).

j. **Regarding claim 7**, *Anabuki* with *Nakano et al* teach the method of claim 9, *Nakano et al* further teach the method wherein each of the first remote device and the second remote device correspond to a portable device (pages 1-2 paragraph 0013 and 0025, page 3 paragraphs 0029-0034).

k. **Regarding claim 10**, *Anabuki* with *Nakano et al* teach the method of claim 9, *Nakano et al* further teach the method wherein each of the first and second remote device

corresponds to a radio frequency identification device (pages 1-2 paragraph 0013 and 0025, page 3 paragraphs 0029-0034).

l. **Regarding claim 12**, *Anabuki* with *Nakano et al* teach the method of claim 10, *Nakano et al* further teach the method wherein delivering the first and second access data includes co-locating the radio frequency identification device with the appliance (page 3 paragraphs 0029-0034; page 3-4 paragraphs 0037-0039).

m. **Regarding claim 21**, *Anabuki* with *Nakano et al* teach the appliance of claim 9, wherein reconfiguring the appliance includes creating a composite of the first profile data and the second profile data (*Nakano et al*: page 3-4 paragraphs 0037-0039—creating a composite of data from both smart cards; *Anabuki*: col.10 lines 16-23, col.12 lines 45-65—creating a composite of profile data from the multiple profile URLs).

n. **Claims 24 and 25** are substantially similar to claim 17 and are therefore rejected under the same basis.

3. **Claims 22 and 23** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Anabuki* (US 6,091,518) in view of *Nakano et al* (US 2002/0055847) in further view of *Hanko et al* (US 6,912,578).

a. **Regarding claim 22**, *Anabuki* with *Nakano et al* teach the method of claim 12 as applied above yet fail to explicitly teach, reconfiguring the appliance to the first configuration after removal of the second remote device from a vicinity of the appliance. However, *Hanko et al* teach reconfiguring the appliance to a first configuration the smart card is removed from the appliance (col.3 lines 40-53, col.5 lines 18-30, col.9 lines 38-57, col.11 lines 10-41, col.13 lines 38-54). It would have been obvious to one of ordinary skill in the art at the time the invention

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was made to combine the teachings of *Anabuki* and *Nakano et al* with *Hanko et al* for the purpose of permitting the appliance to reconfigure after the smart card is removed, in order for the appliance to return to its original dormant state, ready for input; because this safeguards the integrity of the appliance's original configuration state from being compromised or over-written with preferential data from a user's smart card and permits other smart cards to effectively use the appliance without one smart-card tying-up the system's resources.

b. **Regarding claim 23**, *Anabuki* and *Nakano et al* with *Hanko et al* teach the method of claim 22, *Hanko et al* further teach the method further including measuring a time duration after the removal of the second remote device, and wherein reconfiguring the appliance to the first configuration occurs when the time duration exceeds a predefined persistence period (col.3 lines 40-53, col.5 lines 18-30, col.9 lines 38-57, col.11 lines 10-41, col.13 lines 38-54).

4. **Claim 13** is rejected under 35 U.S.C. 103(a) as being unpatentable over *Anabuki* (US 6,091,518) in view of *Nakano et al* (US 2002/0055847) in further view of *Schnase et al* (US 6,078,928).

Regarding claim 13, *Anabuki* and *Nakano et al* teach the method of claim 9 as applied above, yet fail to explicitly teach the method wherein receiving at least the portion of the first configuration data includes receiving a portion of the profile data including data relating to the appliance and data relating to another type of appliance. However, *Schnase et al* teach using the using profile data relative to an appliance in a first location and to an appliance in another location, wherein the profile is able to be used to configure various types of appliances (col.13 line 39-col.14 line 47). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Anabuki* and *Nakano et al* with *Schnase et al*

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for the purpose of providing profile data that is capable of being used to configure different types of appliances by increasing the versatility of the profile data for usability in various applications, such as: ATMs, stores, personal/business schedules, account history, commercial kiosks, health records/history, web activities/transactions, television/movie preferences, etc.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Handel et al (7,076,504), Wang et al (6,161,134), Barlow et al (6,038,551), Hashiguchi (6,615,353), Vanzini et al (7,036,738), Challener et al (6,081,793), Rand et al (2003/0033534), Brown (6,375,469), Nobakht et al (7,111,051).

Applicant's amendment file on 7/19/2005 necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday-Friday 8:30-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristie Shingles
Examiner
Art Unit 2141

kds



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SUPERVISORY PATENT EXAMINER